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In re Application of  
PORTNOY et al.  
Application No.: 10/547,999  
PCT No.: PCT/US03/13492  
Int. Filing Date: 29 April 2003  
Priority Date: 30 April 2002  
Attorney Docket No.: BERK-017CIP  
For: SITE SPECIFIC LISTERIA INTEGRATION  
VECTORS AND METHODS FOR USING SAME

DECISION ON  
PETITION UNDER  
37 CFR 1.137(b)

This decision is in response to applicants' submission filed 07 September 2005.

#### **BACKGROUND**

On 29 April 2003, applicants filed international application PCT/US03/13492 which designated the U.S. and claimed a priority date of 30 April 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 November 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 31 October 2004 (30 October 2004 being a Sunday).

On 07 September 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

#### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 07 September 2005.

As to item (2), applicant submitted the petition fee on 07 September 2005.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

**CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.



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